

Formal Session

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# INTERNAL OPERATIONS STANDING COMMITTEE



## OFFICE OF CONTRACTING AND PROCUREMENT

February 1, 2019

HONORABLE CITY COUNCIL:

The Purchasing Division of the Finance Department recommends a Contract with the following firm(s) or person(s):

6001710      100% City Funding – To Provide Workers Comp, and No- Fault – Insurance. Contractor: CompOne, an FDI Company – Location: 39500 High Pointe Blvd., Ste. 400, Novi, MI 48375 – Contract Period: Upon City Council Approval through June 30, 2022 – Total Contract Amount: \$5,411,226.00 **LAW**

Respectfully submitted,

Boysie Jackson, Chief Procurement Officer  
Office of Contracting and Procurement

**BY COUNCIL MEMBER** MCCALISTER

**RESOLVED**, that Contract No. 6001710 referred to in the foregoing communication dated February 1, 2019, be hereby and is approved.



**David Whitaker, Esq.**  
*Director*  
**Irvin Corley, Jr.**  
*Executive Policy Manager*  
**Marcell R. Todd, Jr.**  
*Senior City Planner*  
**Janese Chapman**  
*Deputy Director*

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**Tasha Cowen**  
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**City of Detroit**  
**CITY COUNCIL**  
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**Sabrina Shockley**  
**Thomas Stephens, Esq.**  
**David Teeter**  
**Theresa Thomas**  
**Kathryn Lynch Underwood**

TO: The Honorable Detroit City Council  
  
FROM: David Whitaker, Director  
Legislative Policy Division  
DATE: January 28, 2019  
RE: **Proposed Amendment to Debarment Ordinance**

The Legislative Policy Division (LPD) has received a request from Council President Pro-Tem Mary Sheffield to draft an amendment to the Debarment Ordinance to include the submission of false or misleading information to obtain or receive certification as a Detroit-based or Detroit-resident business as a ground for debarment.

LPD has provided the attached proposed amendment to the Debarment Ordinance for submission to the Law Department for review and approval as to form and City Council's consideration.

If we can be of further assistance please call upon us.

## **S U M M A R Y**

**AN ORDINANCE** to amend Chapter 18 of the 1984 Detroit City Code, Finance and Taxation; by amending Article V, Purchases and Supplies, Section 18-11-5 Grounds for Debarment; Subsection (a)(6) to include the falsification of information to obtain certification as a Detroit-based, Detroit-headquartered or Detroit-resident business.

1       **BY COUNCIL MEMBER** \_\_\_\_\_ :

2                   **AN ORDINANCE** to amend Chapter 18 of the 1984 Detroit City Code, Finance  
3       and Taxation; by amending Article V, Purchases and Supplies, Section 18-11-5 Grounds for  
4       Debarment, Subsection (a)(6) to include the falsification of information to obtain certification as  
5       a Detroit-based, Detroit-headquartered or Detroit-resident business.

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7                   **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

8       **THAT:**

9                   **Section 1.**     Chapter 18 of the 1984 Detroit City Code, Finance and Taxation; by  
10      amending Article V, Purchases and Supplies, Section 18-11-5 Grounds for Debarment,  
11      Subsection (a)(6); to read as follows:

12      **Sec. 18-11-5.**

- 13                  (a)     A contractor may be debarred, based upon a preponderance of the evidence, for:  
14                    (1)     Violation of the terms of a City contract or subcontract, or a contract or subcontract  
15                    funded in whole or in part by City funds, such as failure to perform in accordance  
16                    with the terms of one or more contracts; or the failure to perform, or unsatisfactory  
17                    performance of one or more contracts;  
18                    (2)     Failing to comply with state, federal or local laws or regulations applicable to the  
19                    performance of a contract;  
20                    (3)     Violation of a City ordinance, City procurement or other policies or administrative  
21                    order that has the gravity or sufficiency to justify debarment. The Inspector General  
22                    shall make a determination on whether the violation has reached a level justifying  
23                    debarment based upon the totality of the circumstances creating the violation;

- (4) Knowingly, or negligently using a debarred contractor as a subcontractor;
  - (5) Evidence of (i) the contractor or the contractor's officers or owners, or (ii) any person or entity having a direct or indirect financial or beneficial interest in the contractor or its operations; engaging in a criminal offense or civil misconduct that evidences a lack of business integrity or business honesty, including but not limited to, embezzlement, theft, theft of services, forgery, bribery, fraud, tax evasion, falsification or destruction of records, making false statements, or receiving stolen property, or violations of laws relating to the obtaining or performance of public contracts;
  - (6) Submission of false or misleading documentation, or making false or misleading statements (Including but not limited to information provided to secure or receive certification as a Detroit-based, Detroit-headquartered or Detroit-resident business as defined in Section 18-5-1 of the City Code);
  - (7) Failure to report unethical conduct by a public servant; or
  - (8) Any other conduct that evidences the inability of the contractor to act responsibly in its conduct on behalf of the City.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section 3.** This ordinance is declared necessary for the preservation of the public peace, health, safety, and welfare of the people of the City of Detroit.

**Section 4.** If this ordinance is passed by a two-thirds (2/3) majority of City Council members serving, it shall be given immediate effect and shall become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if passed

1 by less than a two-thirds (2/3) majority of City Council members serving, it shall become  
2 effective no later than thirty (30) days after publication in accordance with Section 4-118  
3 of the 2012 Detroit City Charter; if this ordinance specifies a certain date to become  
4 effective, it shall become effective in accordance with the date

5 Approved as to form:

6 \_\_\_\_\_  
7 Lawrence T. Garcia  
8 Corporation Counsel  
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